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CEDAR RAPIDS IA 52498

MAILED
JAN 20 2011
OFFICE OF PETITIONS

In re Application of :
Toshifumi Komatsu, et al. :
Application No. 10/060,753 : **DECISION ON PETITION**
Filed: January 30, 2002 :
Attorney Docket No.: 970.0098US01 :

This is a decision in response to the petition, filed October 20, 2010, in the above-identified application requesting withdrawal of the holding of abandonment under the provisions of 37 CFR 1.181 (no fee). Alternatively, a petition to revive under the provisions of 37 CFR 1.137(b) is filed.

The petition under 37 CFR 1.181 is **GRANTED**.

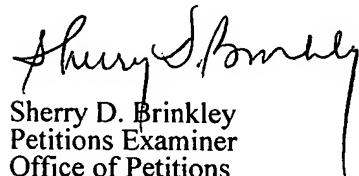
The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

A review of the record discloses that the application was held abandoned failure to take appropriate action in a timely manner after the decision of December 17, 2009 by the Board of Patent Appeals and Interferences. A Notice of Abandonment was mailed on March 16, 2010. On October 20, 2010, the present petition was filed. Petitioner argues that the Notice of Abandonment issued is error, since no abandonment existed.

Petitioner is correct. In view of MPEP 1214.06 (III), the Office concedes that the Notice of Abandonment was mailed in error. Accordingly, the March 16, 2010 Notice of Abandonment is hereby vacated.

The application is being referred to the Technology Center technical support staff of Art Unit 1795 for withdrawing the holding of abandonment and for appropriate action by the Examiner in the normal course of business on the RCE filed October 20, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions